



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,025	10/04/2006	Hubert Kufner	NOR-1268	7375

37172 7590 04/06/2009
WOOD, HERRON & EVANS, LLP (NORDSON)
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
----------	--------------

1792

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

04/06/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

krooney@whepatent.com
mhines@whepatent.com
usptodock@whepatent.com

Office Action Summary	Application No. 10/568,025	Applicant(s) KUFNER ET AL.	
	Examiner Brenda A. Lamb	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-19, 22, 23 and 25-29 is/are rejected.
- 7) ☒ Claim(s) 20, 21 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/10/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 17-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Benecke et al 5,423,935.

Benecke et al teaches the design of a nozzle arrangement 30 for applying fluid containing solid particles to a substrate moving relative to the nozzle arrangement, comprising: an end piece; an end piece receiving element operatively coupled to the end piece; and a nozzle piece operatively coupled to the end piece receiving element;

Art Unit: 1792

the end piece, end piece receiving element, and nozzle piece together defining a fluid channel, the fluid channel including a connecting channel 113, a distribution channel 42, and an outlet channel 37, the connecting channel having a first longitudinal axis, the distribution channel having a second longitudinal axis, and the outlet channel having a third longitudinal axis, and the outlet channel 37 terminating in a fluid outflow slit 40, wherein the second longitudinal axis has a change in directional orientation relative the first longitudinal axis is within the scope of claims 17-18, and wherein the third longitudinal axis has a change in directional orientation relative the second longitudinal axis is within the scope of claims 17-18. Benecke et al nozzle arrangement is capable of applying a coating within the scope of the claim since Benecke et al teaches every structural element of the claimed nozzle arrangement as set forth in claims 17-18. Note it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990). With respect to claim 22, Benecke et al teaches his nozzle arrangement includes a pressurized gas channel that is connectable to a source of pressurized gas and operative to direct pressurized gas towards said fluid outflow slit for removing fluid collected proximate said fluid outflow slit. With respect to claim 19, Benecke et al distribution channel further includes an entrance, an exit, and a length defined therebetween, wherein cross sectional areas of the distribution channel along

Art Unit: 1792

the length of the channel from the entrance to the exit converge along a first channel dimension and expand along a second channel dimension substantially perpendicular to the first channel dimension resulting in a substantially constant cross sectional area of the distribution channel.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benecke et al 5,423,935 in view of Boger et al 4,687,137.

Benecke et al is applied for the reasons noted above but fails to teach a transporting device such as within the scope of claim 23. However, it would have been obvious to one skilled in the art to modify the Benecke et al apparatus by providing a transporting device for moving the substrate relative to the nozzle arrangement since Boger et al '137 providing a transporting device for moving the substrate relative to the nozzle arrangement for intermittent coating to a substrate.

Claims 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 91/09660.

WO '660 teaches the design of a filter arrangement comprising: a fluid supply line; a fluid drain line; a flow channel connecting the fluid supply line and the fluid drain line; and a planiform filter element positioned in the flow channel, wherein cross sectional areas of the fluid supply line, the fluid drain line, the flow channel, and the planiform filter element are essentially of equal size. WO '660 teaches every element of the claimed filter arrangement. With respect to claim 28, the WO '660 planiform filter element further comprises a plurality of planiform filter elements positioned generally perpendicular to the flow channel and having decreasing mesh size in a direction of flow

Art Unit: 1792

in the flow channel. With respect to claim 29, the WO '660 planiform filter elements include a filtering surface and the filtering surface is oriented generally perpendicular to the direction of flow.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "said flow channel" in claims 25-26 lacks proper antecedent basis.

Claims 20-21 and 24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brenda A Lamb
Primary Examiner
Art Unit 1792

/Brenda A Lamb/

Primary Examiner, Art Unit 1792